

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CLAYTON JAMES HANKS,

Plaintiff,

v.

JASON HILLS, Lieutenant, NICHOLAS
DESOTELLE, Correctional Officer,
DUSTIN ENGH, MICHAEL MARCOTT,
LAWRENCE AMSDEN, CHRIS
SCHULTZ, LUKE RICHLING, TRISTA
SHIELDS, JOHANNES OLIVIER,
EMILY MELLINGEN, and TRAVIS
BRINKLEY, each in their individual and
official capacities; MINNESOTA
DEPARTMENT OF CORRECTIONS;
and CORIZON (company name
unknown);

Case No. 15-cv-4275 (JNE/TNL)
ORDER

Defendants.

Before the Court is the Report and Recommendation by the Honorable Tony N. Leung, United States Magistrate Judge, dated January 5, 2017, recommending dismissal of all claims against Defendant Corizon alleged by *pro se* Plaintiff Clayton James Hanks. Corizon moved to dismiss for failure to state a claim or alternatively for summary judgment. Dkt. No. 64; *see also* Corizon Br. 5, Dkt. No. 65.

Hanks did not object to the Report and Recommendation, and the deadline for filing objections has passed. The Court nonetheless conducted a *de novo* review of the record. *See* D. Minn. L.R. 72.2(b). Based on that review, the Court adopts the reasoning and conclusions of the Report and Recommendation [Dkt. No. 83]. Corizon is named in the caption of the complaint in this action, but there is not a single other reference to Corizon in that pleading. In addition, Corizon has come forth with undisputed evidence that although it had previously

contracted to provide medical services at the facility where Hanks was allegedly injured, its contract had ended months before the alleged incident. Merritt Aff. ¶¶ 4-7, Dkt. No. 66; *see also* Larson Aff. ¶ 2, Dkt. No. 35. Therefore, based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Defendant Corizon's Motion to Dismiss and/or for Summary Judgment [Dkt. No. 64] is GRANTED. All claims alleged in the Complaint against Corizon are DISMISSED WITH PREJUDICE.

Dated: February 1, 2017

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge